

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-03032-01-CR-S-RED
)	
ROGER E. WALL,)	
)	
Defendant.)	

ORDER

Now before the Court is Defendant's Motion to Dismiss for Violation of Constitutional Right to Speedy Trial (Doc. 64-1), Motion to Dismiss Defendant's Motion to Dismiss for Violation of Constitutional Right to Speedy Trial (Doc. 72-1), Defendant Wall's Reply to Government's Motion to Dismiss Defendant's Motion to Dismiss for Violation of Constitutional Right to Speedy Trial (Doc. 73), and the Report and Recommendation of United States Magistrate Judge (Doc. 74).

Defendant Wall seeks to dismiss his indictment due to alleged violations of his constitutional right to a speedy trial. The Defendant asserts that his rights were violated due to the Government's delay in responding to his Motion to Suppress and due to the Government's action in seeking a superceding indictment on the eve of his trial. On July 21, 2006, United States Magistrate Judge James C. England issued his Report and Recommendation (Doc. 74) recommending that Defendant's Motion be denied. Defendant has filed no objections to the Magistrate's Report and Recommendation, and the time period in which to do so has now passed.

Upon careful and independent review of the pending motion and the suggestions filed by

the parties in regard to said motion, and a review of the applicable law, the Court hereby adopts and incorporates as its own opinion and order, the Report and Recommendation of United States Magistrate Judge James C. England.

Accordingly, it is hereby ordered that Defendant's Motion to Dismiss for Violation of Constitutional Right to Speedy Trial (Doc. 64-1) is **DENIED**.

IT IS SO ORDERED.

DATE: August 29, 2006

/s/ Richard E. Dorr

RICHARD E. DORR, JUDGE
UNITED STATES DISTRICT COURT